

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Daniel Rowden

(b) County of Residence of First Listed Plaintiff Salt Lake
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Michael E. Kosik, Esq. Schmidt Kramer, 209 State
Street, Harrisburg, PA 17101 (717) 409-8606

DEFENDANTS

Kuljeet Singh

Dhillon Brothers

County of Residence of First Listed Defendant Fresno
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1132(a) and F.R.C.P. 8(a)(1)
Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

1/26/21

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

ALLEGATIONS OF JURISDICTION AND VENUE

4. Plaintiff Daniel Rowden invokes the jurisdiction of this Court under 28 U.S.C. § 1332(a) and F.R.C.P. 8(a)(1) since this is a civil action between citizens of different states where the amount of controversy is in excess of \$75,000.00.

5. Venue lies in the Middle District of Pennsylvania under 28 U.S.C. § 1391, since the incident described herein occurred in the Middle District of Pennsylvania.

OPERATIVE FACTS

6. The facts and occurrences hereinafter stated took place on May 22, 2020 at approximately 12:30 p.m. on Interstate 81 South in Union Township, Lebanon County, Pennsylvania.

7. At times relevant hereto, Plaintiff Daniel Rowden was the operator of a 2019 International LT tractor and Utility trailer southbound on Interstate 81 in the left-hand lane as he had just merged from Interstate 78.

8. At all times relevant hereto, Defendant Kuljeet Singh was the operator of a 2019 tractor and trailer owned by Defendant Dhillon Brothers, Inc., southbound on Interstate 81 in the right-hand lane.

9. At the time of the accident it was raining, and the roadway was wet.

10. The tractor trailer Defendant Kuljeet Singh was operating had an empty trailer and began to fishtail causing him to lose control and jackknife into the left-hand lane where it struck Plaintiff Daniel Rowden's tractor trailer.

11. In order to avoid Defendants jackknifing tractor trailer, Plaintiff Daniel Rowden swerved onto the left shoulder.

12. The impact by Defendants' tractor trailer and Plaintiff Daniel Rowden's effort to avoid the impact forced Plaintiff Daniel Rowden's truck into the grassy median where it overturned onto the driver's side

13. As a direct result of the accident, Plaintiff Daniel Rowden sustained, injuries including, but not limited to:

- a. Head contusion
- b. Neck strain
- c. Concussion
- d. Post-concussion syndrome
- e. Concussional headaches
- f. Post-Traumatic Stress

14. As a direct and proximate result of the injuries he sustained in the motor vehicle accident, Plaintiff Daniel Rowden has been advised and, therefore avers, that the aforementioned injuries are/were serious and may be permanent in nature and effect, and thus, a claim for these injuries is made.

15. As a direct and proximate result of the motor vehicle accident, Plaintiff Daniel Rowden has incurred medical expenses for the injuries he has sustained, and may continue to incur medical expenses into the future, and thus, a claim for these expenses is made.

16. As a direct and proximate result of the injuries he sustained in the motor vehicle accident, Plaintiff Daniel Rowden has suffered a loss of wages and may have suffered an impairment of his future earning power and capacity, and thus, a claim for these losses is made.

17. As a direct and proximate result of the injuries he sustained in the motor vehicle accident, Plaintiff Daniel Rowden has undergone in the past, and may continue to undergo in the future, great pain and suffering, and thus, a claim for these losses is made.

18. As a direct and proximate result of the injuries he sustained in the motor vehicle accident, Plaintiff Daniel Rowden may have suffered a permanent diminution of his ability to enjoy life and life's pleasures, and thus, a claim for these losses is made.

COUNT I

NEGLIGENCE

DANIEL ROWDEN v. KULJEET SINGH and DHILLON
BROTHERS, Inc.

19. Plaintiff incorporates Paragraphs 1 through 18 of this Complaint as if set forth in full.

20. The accident at issue was initiated and factually caused by the negligence and carelessness of Defendant Kuljeet Singh, operating his tractor trailer in the scope and course of his employment with Defendant Dhillon Brothers, Inc., consisting of the following:

- a. Failing to have his commercial vehicle under proper and adequate control,
- b. Operating a commercial vehicle so as to create a dangerous situation for other vehicles on the roadway,
- c. Operating a vehicle at an excessive rate of speed under the circumstances,
- d. Failing to operate a commercial vehicle in accordance with existing traffic conditions.
- e. Failing to operate a commercial vehicle in a manner consistent with the road and weather conditions prevailing at the time.
- f. Failing to observe Plaintiff's vehicle on the roadway,

g. Failing to keep a reasonable lookout for other vehicles lawfully on the roadway,

h. Violating provisions of the Pennsylvania Motor Vehicle Code, including §3361.

WHEREFORE, Plaintiff Daniel Rowden respectfully requests this Honorable Court grant judgment in his favor and against the Defendants Kuljeet Singh and Defendant Dhillon Brothers, Inc. in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration.

COUNT II

RESPONDEAT SUPERIOR / NEGLIGENCE **DANIEL ROWDEN V. DHILLON BROTHERS INC**

21. Plaintiff Daniel Rowden incorporates Paragraphs 1 through 20 of this Complaint as if set forth in full.

22. At the time of the subject accident, Defendant Kuljeet Singh was acting as an employee, servant, agent, and/or ostensible agent of Defendant Dhillon Brothers, Inc.

23. Defendant Dhillon Brothers, Inc. is vicariously liable for the actions of its employee, servant, agent, and/or ostensible agent, Defendant Kuljeet Singh.

24. Defendant Dhillon Brothers, Inc. was further negligent for failing to supervise and/or train its employee, Defendant Kuljeet Singh, in the safe operation of the motor vehicle.

25. Plaintiff Daniel Rowden's injuries were caused by a direct and proximate result of the Defendant Dhillon Brothers, Inc.'s negligence and were not caused and contributed to by any conduct on the part of Plaintiff Daniel Rowden.

WHEREFORE, Plaintiff Daniel Rowden demands judgment against Defendant Dhillon Brothers, Inc. in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration.

Respectfully submitted,

SCHMIDT KRAMER PC

By: 

Michael E. Kosik
I.D. No. 36513
209 State Street
Harrisburg, Pa 17101
(717) 232-6300
(717) 232-6467 Fax
mkosik@schmidt-kramer.com
Attorneys for Plaintiff

Date: Jan. 22, 2022

**VERIFICATION BASED UPON PERSONAL
KNOWLEDGE AND INFORMATION SUPPLIED BY COUNSEL**

I, Daniel Rowden, verify that I am the Plaintiff in the foregoing action, and that the attached is based upon the information that has been gathered by my counsel in preparation of this lawsuit. The language of the Complaint is that of counsel and is not mine. I have read the Complaint, and to the extent that it is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information, and belief. To the extent that the contents of the Complaint are that of counsel, I have relied upon counsel in making this Verification.

I understand that intentional false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications made to authorities.


DATE: 1-18-2022


Daniel Rowden

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Plaintiff

Signature: _____

Name: Michael E. Kosik

Attorney No. (if applicable): 36513